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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Thomas A. Saksa

Examiner: Amy R. Cohen

Serial No.: 09/940,363

Group Art Unit: 2859

Filed: Aug. 27, 2001

Docket No.: 10011180-1

Title: **MEASUREMENT AND MARKING DEVICE**

**CERTIFICATE OF TRANSMISSION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No.: (703) 872-9306 on the date shown below:

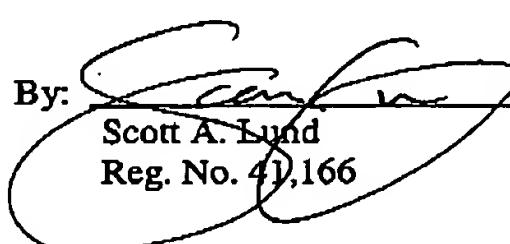
1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (1 pg.).

Respectfully submitted,

Thomas A. Saksa,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2006  
Facsimile: (612) 573-2005

Date: Nov. 9, 2004  
SAL:jan

By: 

Scott A. Lund  
Reg. No. 41,166

**2 PAGES - INCLUDING COVER PAGE**

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, Colorado 80527-2400

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NOV 09 2004

PATENT APPLICATION

ATTORNEY DOCKET NO. 10011180-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Thomas A. Saksa

Confirmation No.: 5070

Application No.: 09/940,363

Examiner: Amy R. Cohen

Filing Date: Aug. 27, 2001

Group Art Unit: 2859

Title: MEASUREMENT AND MARKING DEVICE

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, Sept. 9, 2004, rejecting the following claims 1, 2, 4-9, 12, 13, 22, 23, 27-35. The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$340.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$110.00
( ) two months	\$430.00
( ) three months	\$980.00
( ) four months	\$1530.00

( ) The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

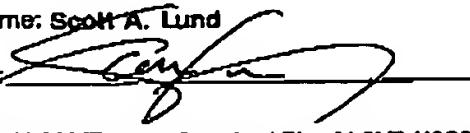
Please charge to Deposit Account 08-2025 the sum of \$340.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

( ), I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: \_\_\_\_\_  
OR

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Number of pages: 2

Typed Name: Scott A. Lund

Signature: 

Respectfully submitted.

Thomas A. Saksa

By

Scott A. Lund

Attorney/Agent for Applicant(s)

Reg. No. 41,166

Date: Nov. 9, 2004

Telephone No. (612) 573-2006